

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

WILLIAM LEONARD CHERRY, JR.,
Petitioner,

VS.

NATHANIEL QUARTERMAN, Director,
T.D.C.J., Correctional
Institutions Division,
Respondent.

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§ CIVIL ACTION NO. 4:07-CV-209-Y

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ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

Before the Court is the petition for writ of habeas corpus under 28 U.S.C. § 2254 of petitioner William Leonard Cherry Jr., along with the April 2, 2007, findings, conclusions, and recommendation of the United States magistrate judge. The magistrate judge gave the parties until April 23, 2007, to file written objections to the findings, conclusions, and recommendation. As of the date of this order, no written objections have been filed.

The Court has reviewed the pleadings and the record in this case, and has reviewed for clear error the proposed findings, conclusions and recommendation of the United States magistrate judge filed on April 2, 2007. The Court concludes that the petition for writ of habeas corpus should be dismissed as a successive petition filed without the permission of the Court of Appeals as required by 28 U.S.C. §2244(b)(1), for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions and recommendation of the magistrate judge are ADOPTED.

Petitioner William Leonard Cherry Jr.'s petition for writ of habeas corpus is DISMISSED WITHOUT PREJUDICE to his right to file

a motion under 28 U.S.C. § 2244(b)(3)(A) in the United States Court of Appeals for the Fifth Circuit for leave to file a successive petition.

SIGNED April 26, 2007.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE